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EXAMINER

PERVEEN, REHANA

ART UNIT

PAPER NUMBER

2182

DATE MAILED: 01/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/590,831

Applicant(s)

SARTORE ET AL.

Examiner

Rehana Perveen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 6-9 and 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Allowable Subject Matter***

Claims 6-9 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Vercesi, Patent No. 4,007,449.

As to claims 1 and 10, Vercesi teaches a peripheral device connected to a host device, wherein a speed of the peripheral device is adjusted in response to one or more predetermined conditions (abstract and col. 12 line 56 – col. 13 line 6).

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As to claim 2, Vercesi teaches the peripheral device is further configured to electrically disconnect and reconnect at the adjusted speed to the host device (abstract).

As to claim 3, Vercesi teaches the electrical disconnection/reconnection comprises re-enumeration of the peripheral device (abstract).

Claims 11-13 are directed to the method of system claims 1-3 and 10. Vercesi teaches the system as set forth in claims 1-3 and 10. Therefore, Vercesi also teach the method as set forth in claims 11-13.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vercesi as applied to claims 1-3 and 10-13 above

As to claim 4, it is noted that Vercesi does not expressly teach the peripheral device being a USB device. However, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the speed adjustment technique to a

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number of different types of devices (Vercesi, col. 1 lines 14-44) including a USB device since such technique would have enabled the prior art USB devices to run at optimal speeds.

Claim 14 is directed to the method of system claim 4. Vercesi teaches the system as set forth in claim 4. Therefore, Vercesi also teach the method as set forth in claim 14.

Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vercesi as applied to claims 1-3 and 10-13 above, and further in view of Dischler et al, Patent No. 6,311,287.

As to claim 5, Vercesi teaches one or more predetermined conditions comprise one or more speed considerations (abstract and col. 12 line 56 – col. 13 line 6). However, Vercesi does not expressly teach the one or more predetermined conditions comprise one or more power considerations. Dischler et al clearly teach a device adjusting its speed based on one or more predetermined conditions comprising one or more power considerations (abstract and col. 2 lines 18-38).

It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Vercesi and Dischler et al because both are commonly directed to device speed adjustment techniques, and Dischler et al's power

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considerations in addition to the speed considerations, when incorporated into Vercesi's system, would have enabled improved system efficiency.

Claim 15 is directed to the method of system claim 5. Vercesi and Dischler et al, in combination, teach the system as set forth in claim 5. Therefore, Vercesi and Dischler et al, in combination, also teach the method as set forth in claim 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rehana Perveen whose telephone number is 703-305-8476. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Rehana Perveen  
Primary Patent Examiner  
Art Unit 2182